

## **REMARKS**

Claims 1-32 were pending in the application. Claims 4, 9, 12-13, 17, 19, and 31 have been cancelled. Claims 1, 5, 11, 14, 16, 18, 20, 23, 25, and 28 have been amended. Accordingly, claims 1-3, 5-8, 10-11, 14-16, 18, 20-30, and 32 remain pending in the application.

### **35 U.S.C. § 102 Rejection**

Claims 1-32 were rejected under 35 U.S.C. 102(e) as being anticipated by Drogichen et al. (U.S. Patent No. 6,571,360). Applicant respectfully traverses this rejection.

Applicant respectfully submits that Drogichen fails to teach or suggest “wherein said processing tasks includes sending an acknowledgement signal indicating that it is safe to remove the board from the system” as recited by claim 1.

The Examiner contends that the above-highlighted feature of amended claim 1 is taught in col. 5, line 57 – col. 6, line 5 of Drogichen. Applicant respectfully disagrees. Drogichen teaches, in col. 5, line 52 – col. 6, line 5:

In one embodiment, the moving of a component from one domain to another proceeds in two phases: detach and attach. During a detach operation, microprocessor and I/O boards are detached to reallocate them to another dynamic system domain or to remove them for upgrade or repair. Process execution, network and I/O connections, and the contents of memory must be migrated to other boards. The detach has two steps. In the first step, the multiprocessing operating system flushes all pageable memory to disk and remaps kernel memory to other boards. Free pages are locked to prevent further use. As the first detach step proceeds, the multiprocessing operating system switches network devices and file systems to alternate paths (i.e., to other boards). Finally, the processors are taken offline.

In the second step of detachment, the centerplane hardware isolates the component from its previous system domain. The microprocessor or I/O becomes available for attachment to another domain or for physical removal from the system. If removed, a new, repaired, or upgraded board can be physically inserted into a running system and powered-on in preparation for doing an attach.

Applicant reminds the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added)

While Drogichen teaches that “the multiprocessing operating system flushes all pageable memory to disk and remaps kernel memory to other boards”, Drogichen fails to teach or suggest, **“sending an acknowledgement signal indicating that it is safe to remove the board from the system”** as recited by claim 1.

In accordance, claim 1 is believed to patentably distinguish over Drogichen. Claims 2-3, 5-8, and 10 are dependent upon claim 1 and are therefore believed to patentably distinguish over the cited reference for at least the same reasons.

Likewise, independent claims 11 and 28 recite features similar to those highlighted above with regard to independent claim 1, and are therefore believed to patentably distinguish over the cited reference for at least the reasons given in the above paragraphs discussing claim 1. Claims 14-15 are dependent upon claim 11 and claims 29-30 and 32 are dependent upon claim 28, and are therefore believed to patentably distinguish over the cited reference for at least the same reasons.

Furthermore, Applicant respectfully submits that Drogichen fails to teach or suggest “wherein the domain comprises at least a second processor that continues to operate for at least a selected duration after the removal of the first processor; wherein the second processor is further adapted to stop the assignment of additional tasks to the first processor” as recited by claim 16.

The Examiner contends that the above-highlighted feature of amended claim 16 is taught in col. 5, line 47 – col. 6, line 5 of Drogichen. Applicant respectfully disagrees. While

Drogichen teaches “the processors are taken offline”, Drogichen fails to teach or suggest, “**the second processor is further adapted to stop the assignment of additional tasks to the first processor**” as recited by claim 16.

In accordance, claim 16 is believed to patentably distinguish over Drogichen. Claims 18 and 20-22 are dependent upon claim 16 and are therefore believed to patentably distinguish over the cited reference for at least the same reasons.

Likewise, independent claim 23 recites features similar to those highlighted above with regard to independent claim 16, specifically “wherein, in response to receiving the indication, the control unit is configured to stop the assignment of additional tasks to the processor of the second board”. Claim 23 is therefore believed to patentably distinguish over the cited reference for at least the reasons given in the above paragraphs discussing claim 16. Claims 24-25 are dependent upon claim 23 and are therefore believed to patentably distinguish over the cited reference for at least the same reasons.

Additionally, Applicant respectfully submits that Drogichen fails to teach or suggest “an address repeater coupled to the two processors, wherein the address repeater is adapted to receive at least one data request and to provide the request to at least one of the two processors” and “a dual CPU data switch coupled to the two processors and the data crossbar, wherein the dual CPU data switch is adapted to provide data from at least one of the cache memories of the two processors to the data crossbar in response to the received data request” as recited by claim 26.

In accordance, claim 26 is believed to patentably distinguish over Drogichen. Claim 27 is dependent upon claim 26 and is therefore believed to patentably distinguish over the cited reference for at least the same reasons.

Applicant further notes that the subject matter of Drogichen and “the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an

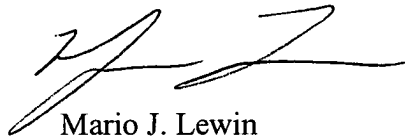
obligation of assignment to the same person". Accordingly, under 35 U.S.C. § 103(c), Drogichen may not be used as a 35 U.S.C. § 103(a) reference in subsequent Office Actions.

## CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-43200/BNK.

Respectfully submitted,



Mario J. Lewin  
Reg. No. 54,268  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Phone: (512) 853-8800  
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